

**1267 King Street West – Zoning Amendment – Final Report**

<b>Date:</b>	January 28, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 14 – Parkdale-High Park
<b>Reference Number:</b>	13 269687 STE 14 OZ

**SUMMARY**

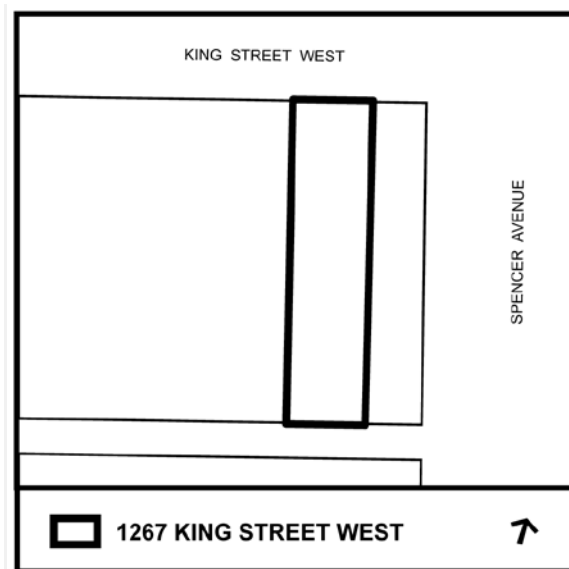
This application proposes to legalize and maintain the existing three-storey, semi-detached building containing nine undersized bachelor units, and one, one-bedroom unit at 1267 King Street West. Currently, all ten dwelling units are occupied with tenants.

This report reviews and recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend City-Wide Zoning By-law 569-2013, for the lands at 1267 King Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.6 to the report (January 28, 2015) from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 438-86, as amended, for the lands at 1267 King Street West, substantially in accordance



with the draft Zoning By-law Amendment attached as Attachment No.7 to the report (January 28, 2015) from the Director, Community Planning, Toronto and East York District.

3. City Council require the applicant pay cash-in-lieu for parkland, prior to bills, the amount to the satisfaction of the Director, Real Estate Services.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Preliminary Report for this application can be found at:

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-67605.pdf>.

### **ISSUE BACKGROUND**

#### **Proposal**

The applicant proposes to bring the existing three-storey, semi-detached building containing nine under-sized bachelor units and one, one-bedroom unit into conformity with the Zoning By-law. A total of two parking spaces will be maintained at the rear of the lot, accessible via a public lane south of King Street West. Refer to Attachment No. 5 for project data.

#### **Site and Surrounding Area**

The subject site is located at the south-west corner of King Street West and Spencer Avenue. The site is rectangular in shape and has a frontage of approximately 6.7 metres and depth of 30.48 metres for a total lot area of 204 square metres.

The following uses are found adjacent to the site:

- North: two-storey buildings mostly containing residential uses with retail on the ground floor along the north side of King Street West.
- South: mostly two and three-storey semi-detached dwellings and row houses with a number of apartment buildings ranging in height from three to nine-storeys located on Spencer Avenue.
- East: three-storey semi-detached residential buildings and one, fourteen-storey apartment building.
- West: three-storey semi-detached buildings containing mostly residential uses with some ground floor commercial.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject site is designated *Neighbourhoods* in the City of Toronto Official Plan, which are considered physically stable areas made up of residential uses in lower scale buildings. There are no Secondary Plans or Area-Specific Policies that apply to the subject property. An Official Plan Amendment is not required because the *Neighbourhoods* designation provides for residential uses of the scale proposed by this application.

## **Zoning**

The subject site is zoned Residential (R3) City of Toronto Zoning By-Law 438-86, as amended, and Residential (R) in City-wide Zoning By-law 569-2013. The purpose of the residential zoning category is, generally, to maintain a stable built form, and to limit the impact of the new development on adjacent residential properties.

The By-law permits a floor space index of 1.0 times the area of the lot. The existing floor space index of the building containing one primary suite and nine secondary suites is 1.74 times the area of the lot. The parking provision is deficient by seven parking spaces in City of Toronto Zoning By-law 438-86, as amended, and in City-Wide Zoning By-law 569-2013. Also, although secondary suites in converted homes are permitted uses within residentially-zoned districts, the number and sizes of the individual rental units at 1267 King Street West do not correspond with definitions of secondary suites in converted houses.

## **Secondary Suite**

City of Toronto City-wide Zoning By-law 569-2013 defines a secondary suite as a self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities

are provided for the exclusive use of the occupants of the suite, located in and subordinate to a dwelling unit.

Section 10.10.20.20(4) of Zoning By-law 569-2013 permits more than one secondary suite in a residential building, including a detached house and a semi-detached house. Section 150.10.40.40(3) sets out floor area size of multiple secondary suites, within a converted house, prescribing a minimum average interior floor area of 65.0 square metres. Parking spaces must also be provided at a rate of one space for every two dwelling units.

### **Site Plan Control**

A Site Plan Control application is not required for this application because no new development is being proposed.

### **Reasons for Application**

A Zoning By-law Amendment is required because the floor space index, at 1.74 times the area of the lot, is much higher than the permitted 1.0 times the area of the lot.

Additionally, there is more than one secondary suite being proposed, the average size of the secondary suites falls below the minimum required size permitted in the By-law, and the parking being proposed is less than the required minimum stipulated in the By-law.

### **Community Consultation**

A community consultation meeting was held on July 15, 2014 at the Mazeryk Cowan Community Centre. This meeting was held in conjunction with another application for a rezoning at a nearby property. Approximately fifteen people identified themselves as being in attendance for the property at 1267 King Street West, and raised the following issues:

- the application should have gone through the Parkdale Pilot Project process;
- concern that current residents may be evicted;
- concern that the current dwelling unit sizes are too small;
- concern over maintaining affordable rents;
- concern over the substandard parking provision and potential increase in parking demand in the vicinity;
- suggestion that the property be re-zoned for a larger building with a more intensified use of the land; and
- concern regarding the lack of provision of green space.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS), 2014, and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### Land Use

The building is a three-storey, semi-detached building. City Planning Staff have determined that the proposed residential use is appropriate for this site, and that it complies with the *Neighbourhoods* policies of the Official Plan. Policy 4.1.1 of the Official Plan discusses *Neighbourhoods*, and states:

*Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The subject site also complies with the *Housing* policies contained within the Official Plan. In particular, Policy 3.2.1.1 states that:

A full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

The subject site is zoned Residential, which permits for a broad range of housing, and tenure. Secondary suites are permitted in converted homes that are located in residentially zoned districts.

### Density

Both City of Toronto Zoning By-law 438-86, as amended, and City-Wide Zoning By-law 569-2013 restricts the floor space index to 1.0 times the area of the lot. The existing building, comprised of one primary suite and nine secondary suites, has a floor space index of 1.74 times the area of the lot. City-Wide Zoning By-law 569-2013 requires a minimum average size of dwelling units in a converted house, containing more than one secondary suite to be 65.0 square metres. The average size of the existing dwelling units is 22.8 square metres. Below, is a breakdown of the floor areas of the individual dwelling units:

Unit Number	Floor Area (m <sup>2</sup> )	Unit Type
B 01	45.54	1 Bedroom
B02	17.56	Bachelor
101	16.44	Bachelor
102	17.58	Bachelor
103	18.66	Bachelor
201	24.31	Bachelor
202	18.03	Bachelor
203	29.13	Bachelor
301	23.81	Bachelor
302	16.67	Bachelor

The location of the site, along with the small sizes of the ten undersized dwelling units will aid in controlling the amount of rent that can be yielded for the dwelling units, keeping these rental units affordable for low-income residents. The existing affordable rental housing stock in Toronto is in limited supply, and, therefore, in need of protection. The semi-detached house has been operational, in its converted form, for more than ten years, and there is no new construction or intensity of use being proposed on the site. Consequently, there will be little impact in recognizing and legalizing this converted house as containing multiple, undersized dwelling units.

The site is located in the Parkdale neighbourhood, which is an area of the City where many social services are offered for low-income individuals and families. Protecting low-income rental housing, in an area well served by social services, represents an appropriate and desirable use of land. The proposed By-law specifies that no more than two units may be less than 17.0 square metres, and that no unit shall be smaller than 16.4 square metres. In additions, the proposed By-law secures the one-bedroom unit at no less than 45.0 square metres.

### **Not Part of the Parkdale Pilot Project**

The Parkdale Pilot Project began in 1999 to address illegal rooming houses in the neighbourhood, and to help resolve conflicts arising from the problems associated with rooming houses versus the need for this type of tenure to house low-income residents. The Parkdale Pilot Project continued for approximately ten years, legalizing more than eight hundred units. The project has now been formally ended and any new requests to legalize or create new rooming houses are reviewed under the City's standard re-zoning process.

The Parkdale Pilot Project was directed at rooming houses, and would not have applied to the proposal for 1267 King West, which consists entirely of self contained dwelling units, and not dwelling rooms with shared sanitary and culinary facilities.

### **Parking**

City of Toronto Zoning By-law 438-86, as amended and City-Wide Zoning By-law 569-2013 require nine parking spaces, respectively. Currently, there are two parking spaces

provided at the rear of the property. However, the site is well serviced by the King Street West streetcar, with an east bound stop directly in front of the building, and a west bound stop located on the north side of King Street West, slightly east of 1267 King Street West. In order to provide an alternative for the tenants, the proposed By-law requires a minimum of one parking space to allow space for bicycle storage.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced, and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42 - 0.78 hectares of parkland per 1000 people, which is considered the lowest provision level. The site is in a parkland priority area, as per Alternative Rate Parkland Dedication By-law No. 1020-2010.

The application contains ten residential units on the 208.12 square metres site. At the alternative rate of 0.4 hectares per three hundred units specified in By-law 1020-2010 (nine units are subject to the By-law), the parkland dedication requirement is 0.0120 hectares (120 square metres) or 57.66% of the net site area. However, for sites less than 1 hectare, a 10% cap is applied, and, therefore, the parkland dedication requirement is 21m<sup>2</sup>.

The applicant is requested to satisfy the parkland dedication requirement by cash-in-lieu. This is appropriate as there is no room for an onsite dedication, and the parkland is too small to be of a usable size. Although no new construction is being proposed, obtaining a building permit is necessary to legalize the intensification of use associated with converting the semi-detached house to ten dwelling units.

The actual amount of cash-in-lieu to be paid will be determined by the Facilities and Real Estate division, and paid prior to bills.

### **Tenure**

City Planning Staff from Community Planning and Housing Policy conducted a site visit on June 12, 2014. Staff determined from the site visit that the ten units contained in the converted, three-storey, semi-detached dwelling are rental dwelling units, and are currently occupied. Staff also determined that the rental costs of the individual units are all considered to be affordable. The tenants reported feeling comfortable, safe, and satisfied with their current accommodations.

### **Rental Housing**

Rental housing is defined in the Official Plan as a building or related group of buildings containing one or more rented residential units, including vacant units that have been used for rented residential purposes, and units that are being or have last been used for rented residential purposes in equity co-operative or co-ownership housing, but does not include condominium-registered or life-lease units. Rental property means the land upon which rental housing is located.

The Official Plan further discusses affordability within the rental housing stock, and describes affordable rental housing and affordable rents to mean housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and hot water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation.

## **Conclusion**

City Planning Staff recommend approval of this application to amend the Zoning By-law for the land at 1267 King Street West. This proposal to legalize an existing condition will help to maintain the City's affordable rental stock. Affordable housing in the City is limited, and many individuals are on long waiting lists to secure safe, adequate housing at affordable rents. Protecting the City's existing rental housing is a key objective of the Official Plan. Legalizing these ten dwelling units, along a major street in downtown Toronto that is well serviced by public transit, will serve to protect these affordable rental units from being lost to future demolition, and/or conversion to a different type of tenure.

## **CONTACT**

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Fax No. (416)392-1330  
E-mail: khatche@toronto.ca

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

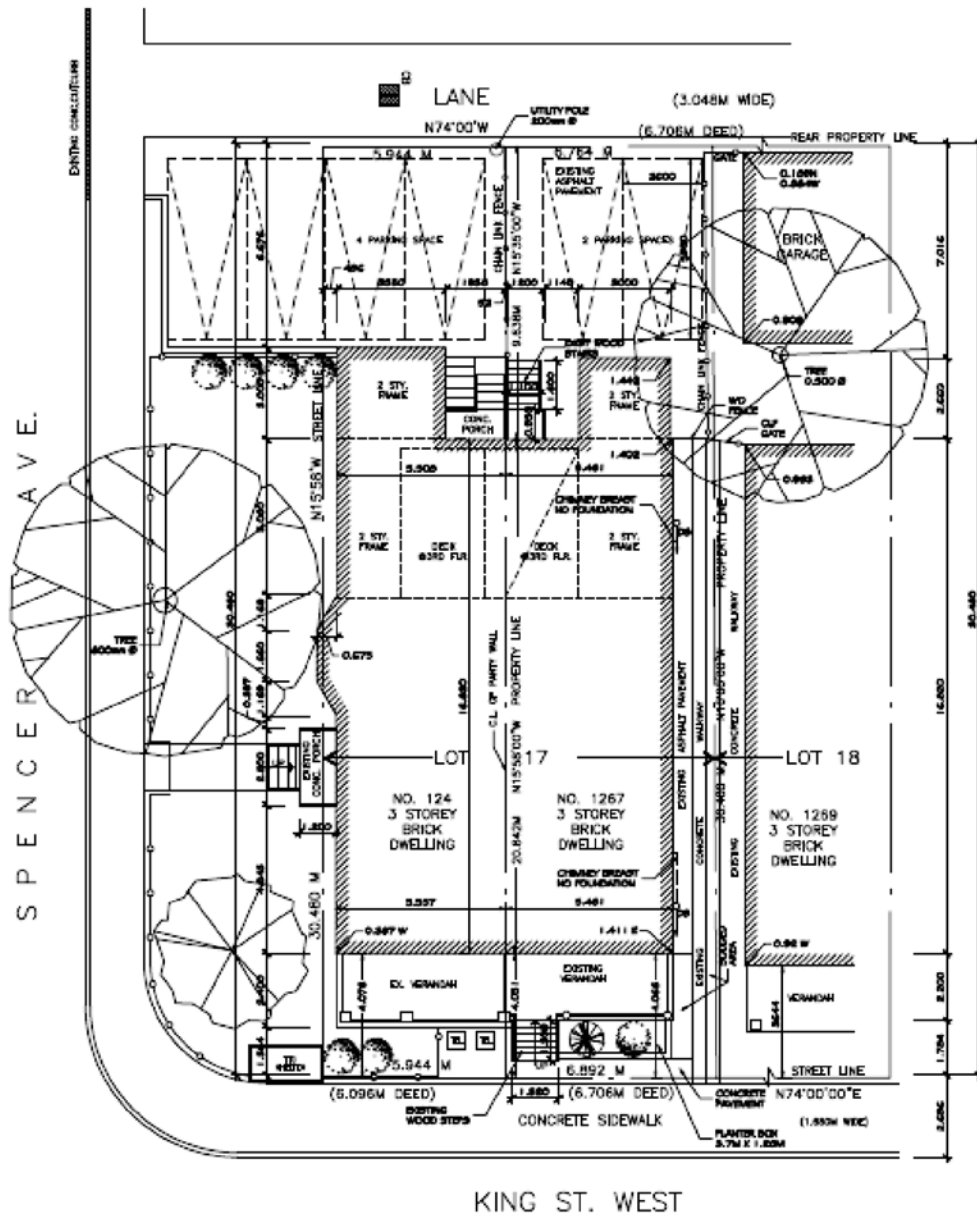
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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Zoning By-law Amendment 438-86, as Amended  
Attachment 7: Draft Zoning By-law Amendment 569-2013



# Attachment 1: Site Plan



## Site Plan

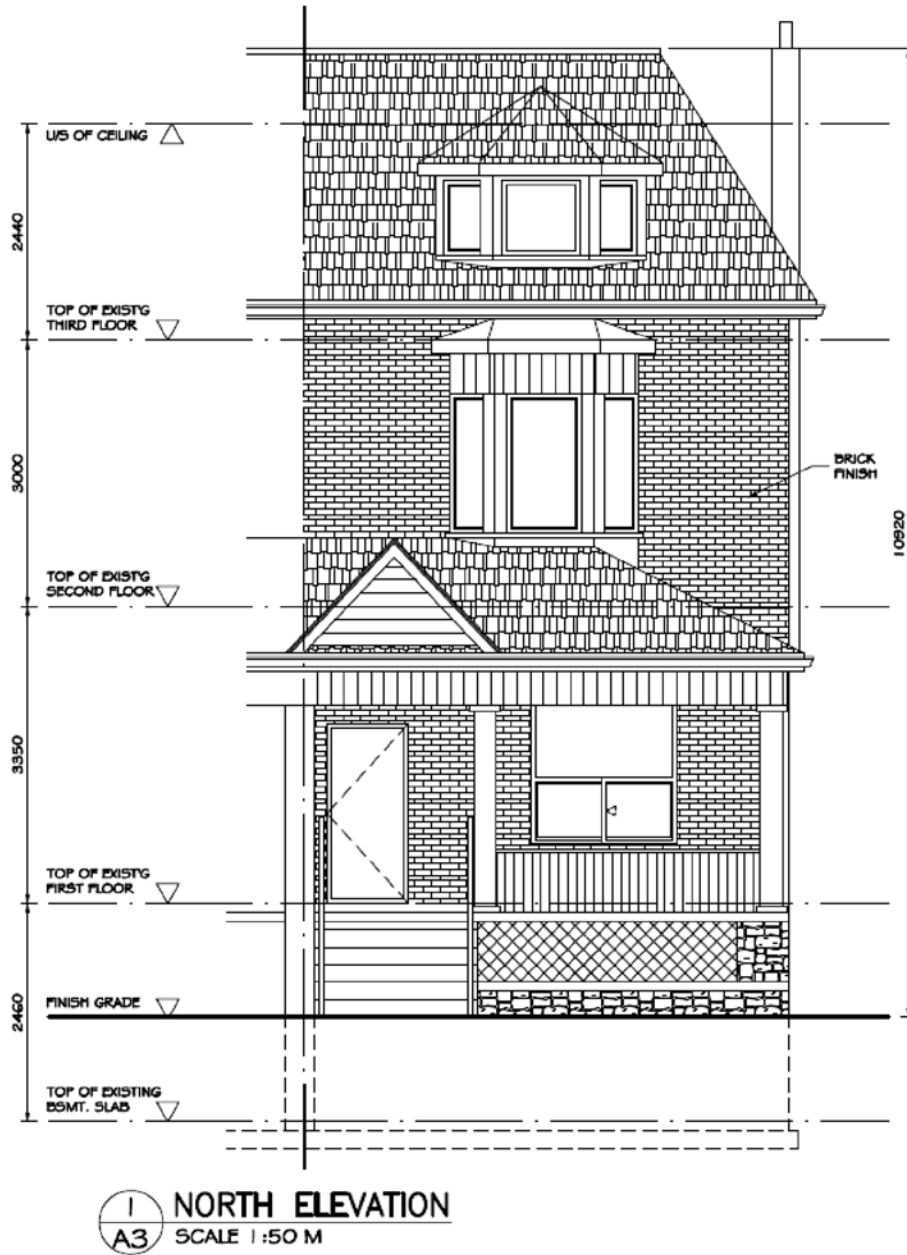
Applicant's Submitted Drawing

Not to Scale  
03/06/2014

## 1267 King Street West

File # 13\_269687\_STE\_14\_0Z

## Attachment 2: Elevations



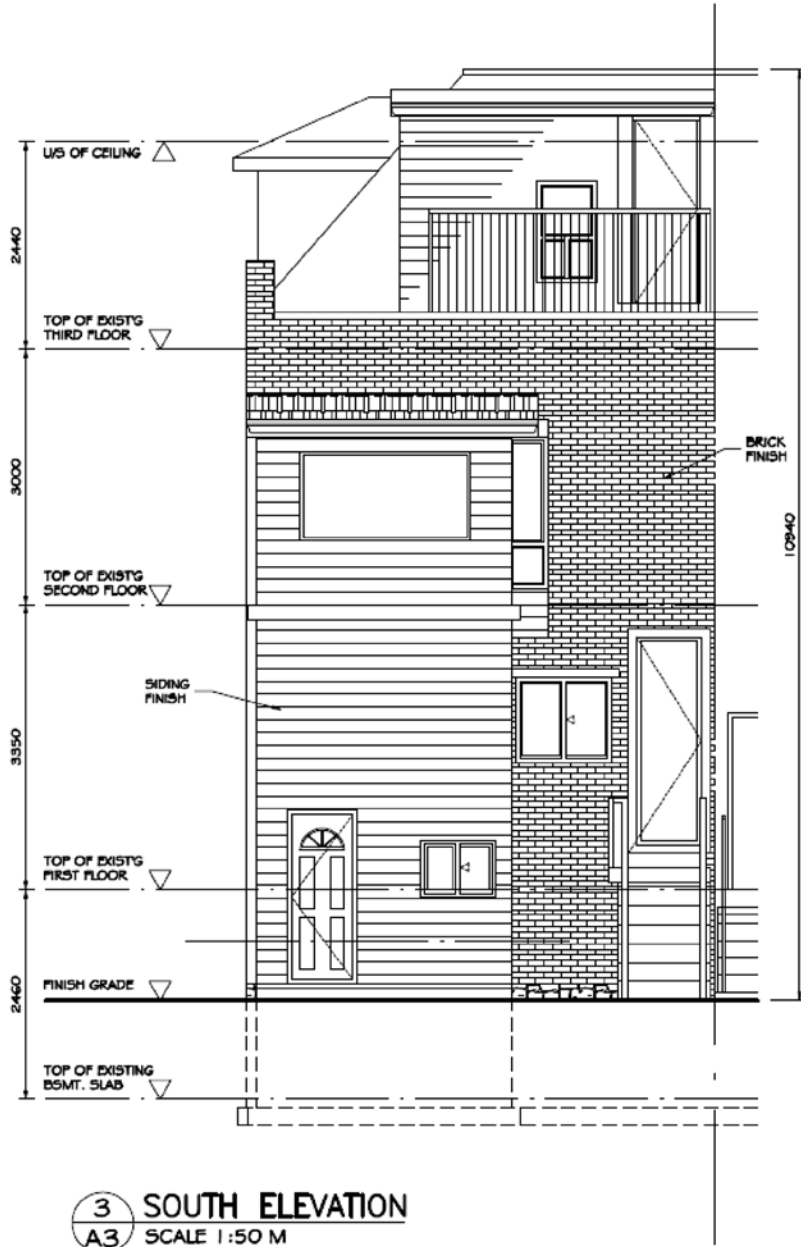
### North Elevation

Applicant's Submitted Drawing

Not to Scale  
03/06/2014

1267 King Street West

File # 13\_269687\_STE\_14\_OZ



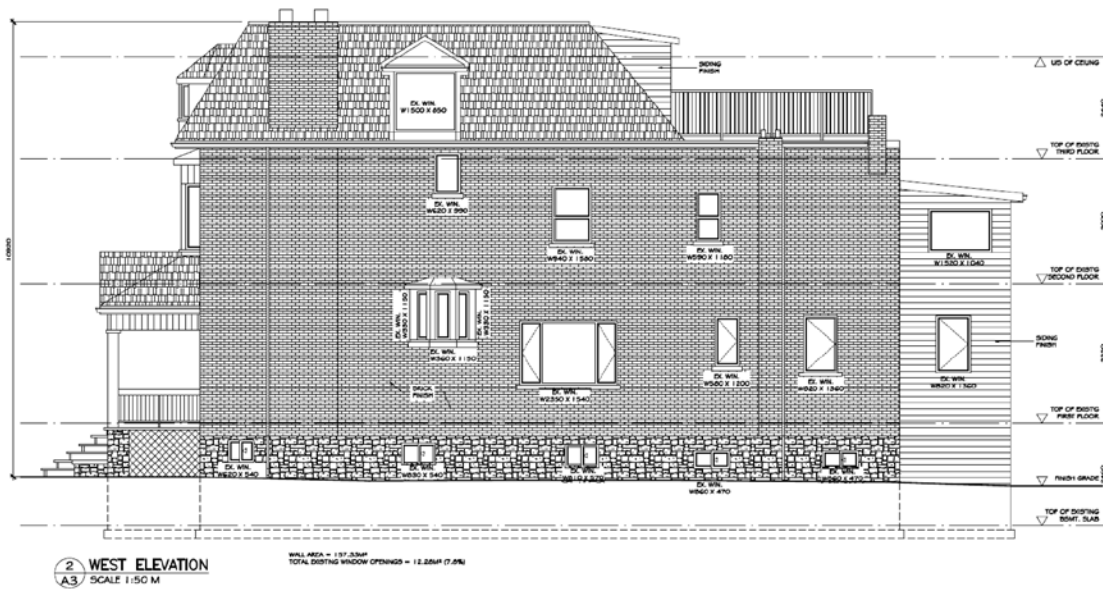
**South Elevation**

**1267 King Street West**

Applicant's Submitted Drawing

Not to Scale  
03/06/2014

File # 13\_269687\_STE\_14\_OZ



## West Elevation

Applicant's Submitted Drawing

Not to Scale  
03/06/2014

## 1267 King Street West

File # 13\_269687\_STE\_14\_OZ


### Attachment 3: Zoning




**TORONTO** City Planning  
**Zoning By-law 569-2013**

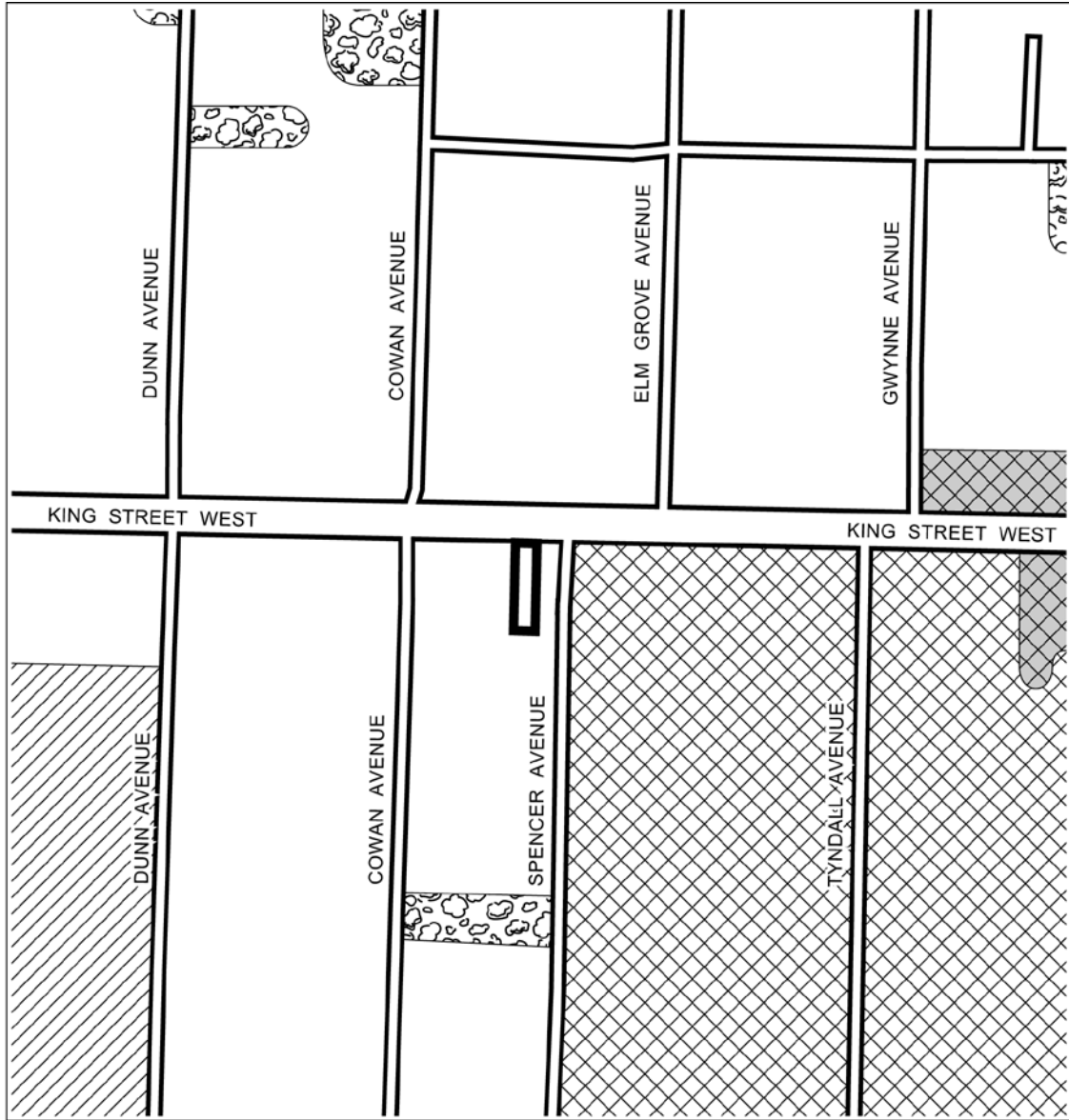
**1267 King Street West**  
 File # 13 269687 \_STE 14\_02

 Location of Application  
 R Residential

 See Former City of Toronto Bylaw No. 438-86  
 R3 Residential District  
 CR Mixed-Use District

  
 Not to Scale  
 Extracted 03/06/2014

### Attachment 4: Official Plan



1267 King Street West

### Official Plan

File # 13 269687\_STE 14\_OZ



↑  
Not to Scale  
03/06/2014

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	13 269687 STE 14 OZ
Details	Rezoning, Standard	Application Date:	November 25, 2013
Municipal Address:	1267 KING ST W		
Location Description:	PLAN 431 PT LOT 17 **GRID S1407		
Project Description:	To bring the existing three-storey semi-detached dwelling containing nine bachelor units, and one one-bedroom unit with a total gross floor area of 362.62 m2 into conformity by applying for a re-zoning application.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Ambient Design Ltd.		Ambient Design Ltd.	Rekha Taneja

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R3-Z1.0	Historical Status:
Height Limit (m):		Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	208.12	Height:	Storeys:	3
Frontage (m):	6.892		Metres:	10.9
Depth (m):	30.48			
Total Ground Floor Area (sq. m):	100.92			<b>Total</b>
Total Residential GFA (sq. m):	362.62		Parking Spaces:	2
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	362.62			
Lot Coverage Ratio (%):	48.5			
Floor Space Index:	1.74			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	262.47	100.15
Bachelor:	9	Retail GFA (sq. m):	0	0
1 Bedroom:	1	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	10			

**CONTACT: PLANNER NAME: Kirk Hatcher, Assistant Planner**  
**TELEPHONE: 416-392-1791**

**Attachment 6: Draft Zoning By-law Amendment 438-86, as Amended**  
To be available prior to the February 18, 2015 Community Council meeting.



**Attachment 7: Draft Zoning By-law Amendment 569-2013**

To be available prior to the February 18, 2015 Community Council meeting.